

Virginia Board for Towing and Recovery Operators (BTRO)  
Draft Minutes  
December 11, 2007 - 9:30 AM

Virginia Board for Towing and Recovery Operators' meeting was held on December 11, 2007, at the Holiday Inn Crossroads 2000 Staples Mills Road, Richmond, Virginia 23230.

**Board members present:**

Ray Hodge  
Charlie Brown  
Woody Herring  
Ron Miner  
Cary Coleman  
Roy Boswell  
Ray Drumheller  
Mark Sawyers  
Randy Seibert  
Gary Teter  
Lt. Curtis Hardsion  
James A. Gurney (Designee of the Commissioner of the Department of Motor Vehicles)

**Board members absent:**

Vinay Patel  
Andy Alvarez

**Staff present:**

Benjamin Foster, Board Executive Director  
Daphane Phillips, Administrative Assistant  
Eric K. G. Fiske, Senior Assistant Attorney General

**Vacant:**

Senate Appointee  
4-year term expires on 6/30/10  
Citizen Member

### **Called to order:**

Chairman Ray Hodge called the meeting to order at 9:40 a.m.

### **Public Comments:**

Sam Hudson, a towing operator, stated that the reason the public is not making any comments is because the board is not listening.

Sergeant Garrett, with Prince William Police Department, has concerns with second signature. His locality has been very successful with this process, and he wanted to know why everyone wants to get rid of it.

Chairman Hodge asked that all related questions regarding the second signature be addressed during Mr. Sawyers' committee report.

Dave Adams, owner of Adams Wreckers Service asked if there were any changes made too the public safety document since the last meeting?

Chairman Hodge stated that he address that question during the regulatory committee meeting.

Ron Stacy wanted to know how the board will regulate the repossession business. Chairman Hodge asked that Mr. Stacy put all his comments in writing and present them to Mr. Foster.

Chairman Hodge closed the public comments session at 9:53 a.m.

### **Acceptance minutes:**

Chairman Hodge asked the members if they had reviewed the minutes from the November 13, meeting. Seeing no questions, Chairman Hodge called for a motion to approve the minutes of this meeting. A motion was made by Ray Drumheller and seconded by Cary Coleman. The minutes were adopted unanimously.

### **Investigation Overview:**

Mr. Frank McCormick, Field Representative Supervisor, (MVDB), gave a presentation about his activities.

Mr. McCormick gave an overview on how the MVDB field investigators operate at the dealers' board. This board has 7-full time and 4-part time field investigators on staff, and they regulate approximately four thousands and two hundred car dealerships throughout the state. The investigators will inspect the dealerships twice a year without prior notice.

Mr. McCormick stated that field investigators are independent operators. They would need laptops, cell phones with camera's, cars, and access to high speed internet. Mr. Foster asked Mr. McCormick to explain how they handle complaints. Their office has intake desks that will handle a small amount of the complaints and distribute them to the investigators, but most goes to the Office of Consumer Affairs or the Better Business Bureau.

### **BTRO Budget Matters:**

Jeff Ryan, DMV Finance Division gave a brief update on the board's budget. Through the end of November, the board has spent \$84,227 of its annual \$350,000 budget. The current cash balance is \$163,000 which appears to be sufficient to continue operations throughout the year. If necessary, the board has an additional line of credit for \$350,000 for 2008 which will end in June 30<sup>th</sup>. In the term of moving forward, the Governor will present his budget on 12-17-07. It will consist of combining budgets of the fiscal year of 2009 and 2010. The finance division will be reviewing the budget and present it to Mr. Foster at a later date.

### **Chairman's Report:**

Mr. Hodge stated that the board has made a lot of progress, but there is still a lot of work to do. He would like for the members to be aware of the time line factor, July 1, 2008, will be here very quickly, and a lot of work needs to be completed before the time runs out. Mr. Hodge is very pleased with the way everyone has come together, even if they don't always agree on every issue. The board is here because the legislators have given them the task to make this industry safe for the public, and he wants the legislators to know the board is capable of handling the task of regulating its own industry.

### **Executive Director's Report:**

Mr. Foster presented the board members with a 2007-2008 Conflict of Interest forms. He asked that each member complete the information and return it before January 15, 2008, deadline. The forms are located on the Commonwealth's website, if they are misplaced.

Mr. Foster gave an overview of the new BTRO office location with pictures he had taken. Mr. Foster stated that DMV has been remarkable in helping with moving the furniture to the new site. In the next week, he hopes that the track will be in place so they can begin pulling wires for the phones, computers, and copier. Mr. Foster stated that once the computer servers come in, then DMV can start pulling wires for the office equipment. After the move, Mr. Foster will put in the request to hire two additional staff members by the end of next week.

Mr. Foster and Ms. Simmons met with the Mr. Donahue at the Secretary's Office in regards to the proposed regulations. The regulations were reviewed and there was a minor change that was made to the Code section of the document. The problem was worked out with the help of Melanie West with the Department of Planning and Budget. Mr. Donahue has signed off on the regulations.

### **Committee Reports:**

#### Licensing and Regulatory Affairs Committee

Chairman Brown gave an overview of the last meeting minutes. The committee discussed the language that Mr. Beall presented on section 24 VAC 27-50-50 of the public safety regulations. There were several motions that were made and passed in regards to the language change.

#### Education Ad Hoc Committee

Mr. Miner reported that the committee had various discussions on the public safety document that was written by their committee. There were various discussions on parts of the document but the overall vote to send it to the regulatory committee for a vote was unanimous. The only thing that needs to be completed after the vote from the regulatory committee vote will be continuing education requirements.

#### Administrative Affairs Committee

They did not meet.

#### By- Laws and Policy Committee:

They did not meet.

#### Communications Committee:

Mr. Hodge asked the committee to find a way to get the word out about the BTRO's activities and impending industry licensing. He has received notices from a high official stating that the board has not done all that it can to get the word out.

Mr. Coleman's committee discussed ways of getting out information to the public and the affected industry. They will have 500 more contact cards printed in order to send them out with the release of the regulations. Mr. Seibert suggests that the Board investigate

placing advertisement inserts in the Tow Times Magazine and also sending out press releases to the media outlets (at no cost).

There were discussions from the board and public on various ways to get the word out.

**Second Signature Ad Hoc Committee:**

Mr. Sawyers reported that the committee decided that compromise from all the localities would not be possible. He suggested reverting back to HB- 2260 for consideration. The committee voted 4-1 in acceptance. After reviewing the bill, the words were revised and the committee voted unanimously to send it to the full board for a vote.

There was a comment on changing some of the wording in the bill. Mr. Hodge stated that they will vote on this but it will be only a recommendation to send it to the transportation committee.

**Vote:**

Chairman Hodge called for a vote to approve HB-2260 that the second signature has presented. He asked the board members to please respond by raising your right hand, the vote was 10 in favor, 0 opposed, the vote was unanimous.

See attached HB- 2260

**New Business:**

Mr. Seibert asked that the next board meeting be moved to January 30, 2008.

**Old Business:**

None

**Next Meeting:**

The next meeting will be on January 30, 2008. The locations will be posted at a later date.

**Adjourned:**

Chairman Hodge called for a motion to adjourn. Mr. Coleman made the motion which was seconded by Mr. Sawyers; the adjournment passed unanimously. The meeting was adjourned at 11:42 a.m.